IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

FRIDAY, THE TWENTY FOURTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 17222 of 2004

Between:
Kalinga Chinnabbayi, s/o Ramu Naidu,
Milk Producers Mutually Aided Co.op.Society, Chinthaluru,
Visakhapatnam,
Visakhapatnam District.

..... PETITIONER

AND

1 The Government of Andhra Pradesh rep., by its Secretary, Co.operative
Department, Secretariat, Hyderabad.
2 The Registrar, Co.operative Societies,
Hyderabad.
3 The Election Officer, Visakha Co.operative Diary,
Visakhapatnam.
4 Sri Vijaya Visakha Districts Milk Producers Mutually Aided Co.operative
Union Limited rep., by its Board of Directors, Visakhapatnam,
Visakhapatnam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus or any other appropriate writ, order or direction declaring the action of the 3rd respondent herein in postponing the election of 4th respondent society scheduled to be held on 17-9-2004 without any authority under law and further declare the fresh election notice issued on 18-9-2004 to conduct elections on 29-9-2004 as arbitrary, illegal and unconstitutional and consequently direct the respondent to issue fresh election notification to conduct election to 4th respondent society herein afresh.

Counsel for the Petitioner: MR.T.NAGARJUNA REDDY

Counsel for the Respondent Nos.1 and 2: GP FOR COOPERATION

The Court at the admission stage made the following:

ORDER:

In view of the alternative remedy available under Section 37(2) of the Andhra Pradesh Mutually Aided Cooperative Societies Act, 1995, which states that any dispute relating to elections held to a Cooperative Society may be referred to a Cooperative Tribunal for decision, this writ petition is not maintainable and accordingly the same is dismissed. No costs.

24.09.2004

Note: Furnish CC by tomorrow

(b/o)

VGB

To

1 The Secretary, Government of Andhra Pradesh, Co-operative

Department, Secretariat, Hyderabad.

2 The Registrar, Co-operative Societies, Hyderabad.

3 The Election Officer, Visakha Co.operative Diary, Visakhapatnam.

4 The Board of Directors, Sri Vijaya Visakha Districts Milk Producers Mutually Aided Co-operative Union Limited, Visakhapatnam, Visakhapatnam District.

5 2CCs to the Government Pleader for Cooperation, High Court Buildings, Hyderabad (OUT)

6 2CD copies